

Part I

ADMINISTRATION OF THE GOVERNMENT

Title XVI

PUBLIC HEALTH

Chapter 111

PUBLIC HEALTH

Section 31

HEALTH REGULATIONS; SUMMARY PUBLICATION; HEARINGS; IMPACT ON FARMING OR AGRICULTURE; FILING SANITARY CODES AND RELATED RULES, ETC.

Section 31. Boards of health may make reasonable health regulations. A summary which shall describe the substance of any regulation made by a board of health under this chapter shall be published once in a newspaper of general circulation in the city or town, and such publication shall be notice to all persons. No regulation or amendment thereto which relates to the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code shall be adopted until such time as the board of health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing, or if there is no such newspaper in such city or town, then by posting notice in a conspicuous place in the city or town hall for a period of not less than fourteen days prior to the date set for such hearing. Prior to the adoption of any such regulation or amendment which exceeds the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code, a board of health shall state at said public hearing the local conditions which exist or reasons for exceeding such minimum requirements. Whoever, himself or by his servant or agent, or as the servant or agent of any other person or any firm or corporation, violates any reasonable health regulation, made under authority of this section, for which no penalty by way of fine or imprisonment, or both, is provided by law, shall be punished by a fine of not more than one thousand dollars.

[Second paragraph effective until April 11, 2021. For text effective April 11, 2021, see below.]

In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health in that municipality shall, during the publication period, solicit and consider comments submitted by the commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.

In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health shall, prior to enacting any regulation that impacts: (i) farmers markets as defined in department regulations; (ii) farms as defined in section 1A of chapter 128; (iii) the non-commercial keeping of poultry, livestock or bees; or (iv) the non-commercial production of fruit, vegetables or horticultural plants, provide the municipal agricultural commission with a copy of the proposed regulation. The municipal agricultural commission shall have a 45-day review period during which the commission may hold a public meeting and may provide written comments and recommendations to the board of health relative to the proposed regulation. Upon a majority vote of the members, the agricultural commission may waive the 45-day review period,

[Paragraph inserted following second paragraph added by 2020, 321 effective April 11, 2021.]

If the board of health determines that an emergency exists, the board or its authorized agent, acting in accordance with section 30 of chapter 111, may, without notice of hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the board of health deems necessary to address the emergency. The board of health shall comply with the local enforcement emergency procedures set forth in department regulations, as amended from time to time.

Boards of health shall file with the department of environmental protection, attested copies of sanitary codes, and all rules, regulations and standards which have been adopted, and any amendments and additions thereto, for the maintenance of a central register pursuant to section eight of chapter twenty-one A.